

AMENDED IN SENATE AUGUST 20, 2008

AMENDED IN ASSEMBLY APRIL 9, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

## ASSEMBLY BILL

**No. 2133**

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**Introduced by Assembly Member Hancock**

February 20, 2008

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An act to amend Section 10108.5 of the Public Contract Code, relating to public contracts.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2133, as amended, Hancock. State contracts: ~~cost limits~~; *agency projects: habitat and wetlands*.

Existing law requires the Department of General Services to approve certain contracts entered into by a state agency. Existing law allows the ~~department~~ *Department of General Services* to authorize the carrying out of a project directly by a department within the Resources Agency, without the services of the Department of General Services, as long as the estimated project cost does not exceed \$500,000.

This bill would ~~increase this cost limit from \$500,000 to \$5,000,000~~ *allow the Department of General Services to authorize a board, commission, or conservancy within the Resources Agency to also carry out a project, without the services of the Department of General Services, as long as the estimated project cost does not exceed \$500,000. This bill also would allow the State Coastal Conservancy, with the approval of the Department of General Services, to directly carry out a public works project involving habitat or wetlands restoration and certain improvements other than buildings and non access related structures, on specified state-owned lands.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 10108.5 of the Public Contract Code is  
2 amended to read:

3 10108.5. (a) When the nature of the work by departments,  
4 boards, commissions, or conservancies within the Resources  
5 Agency, in the opinion of the Department of General Services, is  
6 such that its services in connection therewith are not required, it  
7 may authorize the carrying out of the project directly by the  
8 department within the Resources Agency concerned therewith if  
9 the estimated cost does not exceed five ~~million dollars (\$5,000,000)~~  
10 *hundred thousand dollars (\$500,000)*. This limit shall be adjusted  
11 pursuant to subdivision (b) of Section 10105.

12 (b) If the estimated total cost of any construction project or work  
13 carried out under this section exceeds fifty thousand dollars  
14 (\$50,000), the Department of Forestry and Fire Protection shall  
15 solicit bids in writing and shall award the work to the lowest  
16 responsible bidder or reject all bids. However, the Director of  
17 General Services may authorize the Department of Forestry and  
18 Fire Protection to carry out work in excess of fifty thousand dollars  
19 (\$50,000) under this section by day labor if he or she deems that  
20 the award of a contract, the acceptance of bids, or the acceptance  
21 of further bids is not in the best interests of the state. However, in  
22 no event shall the amount of work performed by day labor under  
23 this section exceed the sum of one hundred thousand dollars  
24 (\$100,000). This limit shall be adjusted pursuant to subdivision  
25 (b) of Section 10105.

26 (c) *Notwithstanding the cost limitation of subdivision (a), the*  
27 *State Coastal Conservancy may, if authorized by the Department*  
28 *of General Services as described in subdivision (a), directly carry*  
29 *out a public works project involving habitat or wetlands restoration*  
30 *and related pedestrian or cycling access improvements, not*  
31 *including buildings or other nonaccess related structures on the*  
32 *following state-owned lands: Bel Marin Keys Unit V in Marin*  
33 *County, Eden Landing Ecological Reserve (a part of the South*  
34 *Bay Salt Pond Restoration Project) in Alameda County, Bair Island*  
35 *Ecological Reserve in San Mateo County, Napa Sonoma Marshes*

1 *State Wildlife Area in Napa, Solano, and Sonoma Counties, Ballona*  
2 *Wetlands Ecological Reserve in Los Angeles County, Buena Vista*  
3 *Lagoon Ecological Reserve in San Diego County, Los Penasquitos*  
4 *Marsh in Torrey Pines State Natural Reserve in San Diego County,*  
5 *and Tijuana Estuary State Park in San Diego County. In carrying*  
6 *out a public works project pursuant to this subdivision, the State*  
7 *Coastal Conservancy shall comply with the provisions of, and*  
8 *regulations adopted pursuant to, this chapter.*

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